

1 * * * Transportation Program Adopted as Amended; Definitions * * *

2 Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;

3 DEFINITIONS

4 (a) The Agency of Transportation’s proposed fiscal year 2020
5 Transportation Program appended to the Agency of Transportation’s Proposed
6 Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as
7 amended by this act, is adopted to the extent federal, State, and local funds are
8 available.

9 (b) As used in this act, unless otherwise indicated:

10 (1) “Agency” means the Agency of Transportation.

11 (2) “Electric vehicle supply equipment” has the same meaning as in 30
12 V.S.A. § 201 as amended by Sec. 26 of this act.

13 (3) “Plug-in electric vehicle” has the same meaning as in 23 V.S.A.
14 § 4(85) as added by Sec. 25 of this act and is abbreviated “PEV.”

15 (4) “Secretary” means the Secretary of Transportation.

16 (5) The table heading “As Proposed” means the Transportation Program
17 referenced in subsection (a) of this section; the table heading “As Amended”
18 means the amendments as made by this act; the table heading “Change” means
19 the difference obtained by subtracting the “As Proposed” figure from the “As
20 Amended” figure; and the terms “change” or “changes” in the text refer to the

1 project- and program-specific amendments, the aggregate sum of which equals
2 the net “Change” in the applicable table heading.

3 (6) “TIB funds” means monies deposited into the Transportation
4 Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

5 * * * Electric Vehicle Definitions * * *

6 Sec. 25. 23 V.S.A. § 4(85) is added to read:

7 (85) “Plug-in electric vehicle” means a motor vehicle that can be
8 powered by an electric motor drawing current from a rechargeable energy
9 storage system, such as from storage batteries or other portable electrical
10 energy storage devices provided that the vehicle can draw recharge energy
11 from a source off the vehicle such as electric vehicle supply equipment. A
12 “plug-in electric vehicle” includes both a motor vehicle that can only be
13 powered by an electric motor drawing current from a rechargeable energy
14 storage system and a motor vehicle that can be powered by an electric motor
15 drawing current from a rechargeable energy storage system but also has an
16 onboard combustion engine.

17 Sec. 26. 30 V.S.A. § 201 is amended to read:

18 § 201. DEFINITIONS

19 (a) As used in this chapter, ~~the word “company”;~~

20 (1) “Company” or “companies” means and includes individuals,
21 partnerships, associations, corporations, and municipalities owning or

1 conducting any public service business or property used in connection
2 therewith and covered by the provisions of this chapter. The term “company”
3 or “companies” also includes electric cooperatives organized and operating
4 under chapter 81 of this title, the Vermont Public Power Supply Authority to
5 the extent not inconsistent with chapter 84 of this title, and the Vermont
6 Hydroelectric Power Authority to the extent not inconsistent with chapter 90 of
7 this title. In the context of actions requiring prior approval under section 107
8 of this title, the term “company” shall also mean any individual, partnership,
9 association, corporation, group, syndicate, operating division, joint stock
10 company, trust, other entity, or municipality which would be defined as a
11 company pursuant to this section if such approval were to be granted.

12 (2) “Electric vehicle supply equipment” means a device or system
13 designed and used specifically to transfer electrical energy to a plug-in electric
14 vehicle as defined in 23 V.S.A. § 4(85), either as charge transferred via a
15 physical or wireless connection, by loading a fully charged battery, or by other
16 means. “Electric vehicle supply equipment available to the public” shall:

17 (A) be located at a publicly available parking space, which does not
18 include a parking space that is part of or associated with a private residence or
19 a parking space that is reserved for the exclusive use of an individual driver,
20 vehicle, or group of drivers or vehicles including employees, tenants, visitors,
21 residents of a common interest development, residents of an adjacent building,

1 or customers of a business whose primary business is not electric vehicle

2 charging;

3 (B) disclose all charges for the use of the electric vehicle supply
4 equipment at the point of sale; and

5 (C) provide multiple payment options that allow access by the public,
6 if a fee is required, and shall not require persons desiring to use such public
7 electric vehicle supply equipment to pay a subscription fee or otherwise obtain
8 a membership in any club, association, or organization as a condition of using
9 such electric vehicle supply equipment, but may have different price schedules
10 that are conditioned on a subscription or membership in a club, association, or
11 organization. (b) ~~As used in this chapter, “energy”~~

12 (3) “Energy” means not only the traditional scientific characteristic
13 of “ability to do work” but also the substances or processes used to produce
14 heat, light, or motion, including petroleum or other liquid fuels, natural or
15 synthetic fuel gas, solid carbonaceous fuels, solar radiation, geothermal
16 sources, nuclear sources, biomass, organic waste products, wind, or flowing
17 water.

18 Sec. 26a. 9 V.S.A. § 2651(14) is amended to read:

19 (14) “Weights and measures” means all weights and measures of every
20 kind, instruments and devices for weighing and measuring, and any appliances
21 and accessories associated with any or all such instruments and devices

1 including electric vehicle supply equipment available to the public, as defined
2 in section 2730(a)(14) of this title. but not including meters for the
3 measurement of electricity, gas (natural or manufactured), or water when they
4 are operated in a public utility system. Such electricity, gas, and water meters
5 are specifically excluded from the purview of this chapter, and this chapter
6 shall not apply to such meters or to any appliances or accessories associated
7 therewith.

8 Sec. 26b. 9 V.S.A. § 2730(a)(14) is added to read:

9 (14) “Electric vehicle supply equipment” and “electric vehicle supply
10 equipment available to the public” have the same meanings as in 30 V.S.A.
11 § 201.

12 * * * Net Metering at Electric Vehicle Supply Equipment * * *

13 Sec. 26c. 30 V.S.A. § 8002(16) is amended to read:

14 (16) “Net metering system” means a plant for generation of electricity
15 that:

16 (A) is of no more than 500 kW capacity;

17 (B) operates in parallel with facilities of the electric distribution
18 system;

19 (C) is intended primarily to offset the customer’s own electricity
20 requirements and does not supply electricity to electric vehicle supply
21 equipment, as defined in section 201 of this title, for the resale of electricity to

1 the public by the kWh or for other retail sales to the public, including those
2 based in whole or in part on a flat fee per charging session or a time-based fee
3 for occupying a parking space while using electric vehicle supply equipment;
4 and

5 (D)(i) employs a renewable energy source; or

6 (ii) is a qualified micro-combined heat and power system of 20
7 kW or fewer that meets the definition of combined heat and power in
8 subsection 8015(b) of this title and uses any fuel source that meets air quality
9 standards.

10 * * * Electric Vehicle Incentive Program * * *

11 Sec. 27. ELECTRIC VEHICLE PURCHASE AND LEASE INCENTIVE
12 PROGRAM

13 (a) The Agency of Transportation (Agency), with the cooperation and
14 support of the Agency of Natural Resources, the Department of Public Service,
15 and Vermont electric distribution utilities that are offering incentives for PEVs,
16 shall establish and administer a new and used PEV purchase and lease
17 incentive program (program) for Vermont residents to be known as the Electric
18 Vehicle Incentive Program.

19 (b) The program shall structure PEV purchase and lease incentive
20 payments by income to help all Vermonters benefit from electric driving,
21 including Vermont's most vulnerable. Specifically, the program shall:

1 (1) better match the incentive to consumer behavior and apply to both
2 purchases and leases and to both new and used PEVs with an emphasis on
3 creating and matching incentives for exclusively electric powered vehicles that
4 do not contain an onboard combustion engine;

5 (2) provide incentives to Vermont households with low and moderate
6 income where a Vermont household with moderate income is a household at or
7 below 140 percent of the State's most recent Median Household Income level;
8 and

9 (3) apply to manufactured PEVs with a Base Manufacturer's Suggested
10 Retail Price (MSRP) of \$45,000.00 or less.

11 (d) Subject to State procurement requirements, the Agency may retain a
12 contractor to assist with marketing, program development, and administration.
13 Up to \$75,000.00 of program funding may be set aside for this purpose.

14 (e) The Agency shall annually evaluate the Electric Vehicle Incentive
15 Program to gauge its effectiveness and submit a written report on the
16 effectiveness of the program to the House and Senate Committees on
17 Transportation, the House Committee on Energy and Technology, and the
18 Senate Committee on Finance on or before the 31st day of December in each
19 year that an incentive is provided through the program.

20 * * * Public Utility Commission Report * * *

21 Sec. 28. PUBLIC UTILITY COMMISSION TARIFF SETTING AND

1 ELECTRIC VEHICLE INCENTIVE PROGRAM REPORT

2 As a follow up to the report due on or before July 1, 2019, the Public Utility
3 Commission, in consultation with those Vermont electric distribution utilities
4 that wish to participate, the Agency of Transportation, the Department of
5 Public Service, and Efficiency Vermont, shall report back to the Senate
6 Committees on Transportation and on Natural Resources and Energy and the
7 House Committees on Transportation and on Energy and Technology on or
8 before December 16, 2019 concerning the steps necessary to implement fees
9 on PEV charging, as well as facilitating the extension of the Electric Vehicle
10 Incentive Program established in Sec. 27 of this act in order to achieve the
11 levels of electric vehicle adoption in Vermont's Comprehensive Energy Plan,
12 which calls for 10 percent of the fleet in Vermont to be PEVs by 2025
13 advancing to 25 percent of the fleet by 2030. This report shall consider the
14 following factors:

15 (a) Fees and assessments. Whether or not electric distribution utilities
16 should collect both a transportation efficiency fee, as defined in subdivision (1)
17 of this subsection, and a transportation infrastructure assessment, as defined in
18 subdivision (2) of this subsection, or just a transportation infrastructure
19 assessment and how best to implement a:

20 (1) Transportation efficiency fee. A per-kWh transportation efficiency
21 fee on electricity provided by an electric distribution utility for electric vehicle

1 supply equipment equal to the energy efficiency charge rate set by the
2 Commission, and to be charged instead of an energy efficiency charge. The
3 fee shall be known as the transportation efficiency fee and shall go towards
4 State-wide initiatives such as electric vehicle incentive programs and
5 increasing the following within the State: transportation efficiency; public
6 transit and passenger transit by rail; electric vehicle supply equipment;
7 “first/last mile” transit options; and other needs as identified. The
8 transportation efficiency fee shall not supplant monies that would have been
9 spent from the general Transportation Fund as part of the Agency of
10 Transportation’s annual budget and program; and

11 (2) Transportation infrastructure assessment. A per-kWh transportation
12 infrastructure assessment on electricity provided by an electric distribution
13 utility for electric vehicle supply equipment. The charge shall be known as the
14 transportation infrastructure assessment, shall be shown separately on each
15 customer’s bill, and shall be paid to a fund administrator appointed by the
16 Commission and deposited into the Transportation Fund.

17 (b) Electric vehicle charging tariff setting. The setting of an electric
18 vehicle charging tariff for electric utilities with more than 17,000 customers,
19 and other electric utilities at their discretion, that allows a customer, including
20 a company that owns and operates electric vehicle supply equipment, to

1 purchase electricity solely to charge a plug-in electric vehicle. The report
2 should consider whether the tariff should:

3 (1) contain either a time-of-day or off-peak rate, as elected by the
4 electric utility that takes advantage of lower-cost electricity and minimizes
5 adverse grid effects and investment costs, and reduces the negative
6 environmental effects of burning fossil transportation fuels;

7 (2) include the per-kWh transportation efficiency fee;

8 (3) include the per-kWh transportation infrastructure assessment;

9 (4) offer a customer the option to purchase electricity from the utility's
10 current mix of energy supply sources or entirely from renewable energy
11 sources;

12 (5) include a mechanism to allow the recovery of costs reasonably
13 necessary to comply with electric vehicle charging tariff setting, including
14 costs to inform and educate customers about the financial, energy
15 conservation, and environmental benefits of electric vehicles and to publicly
16 advertise and promote participation in a customer-optional tariff;

17 (6) provide for clear and transparent customer billing statements
18 including the amount of energy consumed under the tariff;

19 (7) incorporate the necessary costs of metering or submetering within
20 the rate charged to the customer; and

21 (8) factor in other considerations as the Commission deems beneficial.

1 (c) Reporting by electric distribution utilities. A mandatory periodic report
2 to the Commission, as established by the Commission and on a form
3 prescribed by the Commission, on the following aspects of a separate electric
4 vehicle charging tariff:

5 (1) participation and impact highlights including participants that switch
6 to tariff, frequency of daily charging, length of daily charging, timing of daily
7 charging, and new electric vehicle supply equipment installed by county;

8 (2) the overall success of the tariff, including any changes or issues
9 encountered during the reporting period;

10 (3) a total implementation cost breakdown by capital costs, operation
11 costs, maintenance costs, and total costs; and

12 (4) other data required by the Commission.

13 (d) Incremental revenue and costs. The amount of incremental revenue to
14 electric distribution utilities currently generated and expected to be generated
15 by PEVs and all other financial benefits that PEVs may bring to electric
16 distribution utilities, the cost and feasibility of utility equipment needed to
17 separately meter PEV charging, and other costs expected to be incurred by the
18 electric distribution utilities related to PEV deployment, associated
19 infrastructure, and implementation of the State's renewable energy standard.

20 (e) Electric Vehicle Incentive Program. Identify funding mechanisms to
21 support the Electric Vehicle Incentive Program and the level of investment and

1 incentives needed to reach the number of plug-in electric vehicles in
2 Vermont's Comprehensive Energy Plan.

3 * * * Reporting by the Agency of Agriculture, Food and Markets * * *

4 Sec. 28a. REPORTING BY THE AGENCY OF AGRICULTURE, FOOD
5 AND MARKETS

6 (a) The Agency of Agriculture, Food and Markets shall file a written report
7 with the Senate Committees on Transportation and on Finance and the House
8 Committees on Transportation and on Ways and Means on or before December
9 2, 2019 that provides an update on the National Institute of Standards and
10 Technology's progress towards adopting a code on electric vehicle fueling
11 systems and makes a recommendation for an annual licensing fee for electric
12 vehicle supply equipment available to the public for inclusion in 9 V.S.A.
13 § 2730(f)(1).

14 (b) The Agency of Agriculture, Food and Markets shall file a written report
15 with the House and Senate Committees on Transportation on or before
16 December 1, 2020 that provides an update on the National Institute of
17 Standards and Technology's progress towards adopting a code on electric
18 vehicle fueling systems.

19 * * * Fees for Use of Electric Vehicle Supply Equipment * * *

20 Sec. 29. 32 V.S.A. § 604 is added to read:

21 § 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

1 property under the provisions of 29 V.S.A. §§ 1556 and 1557, ~~and~~ proceeds
2 from the sale of recycled materials, and fees collected for the use of electric
3 vehicle supply equipment, as defined in 30 V.S.A. § 201, at facilities owned or
4 controlled by the Agency.

5 * * * Jurisdiction Over Electric Vehicle Supply Equipment * * *

6 Sec. 32. 30 V.S.A. § 203 is amended to read:

7 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

8 The Public Utility Commission and the Department of Public Service shall
9 have jurisdiction over the following described companies within the State, their
10 directors, receivers, trustees, lessees, or other persons or companies owning or
11 operating such companies and of all plants, lines, exchanges, and equipment of
12 such companies used in or about the business carried on by them in this State
13 as covered and included herein. Such jurisdiction shall be exercised by the
14 Commission and the Department so far as may be necessary to enable them to
15 perform the duties and exercise the powers conferred upon them by law. The
16 Commission and the Department may, when they deem the public good
17 requires, examine the plants, equipment, lines, exchanges, stations, and
18 property of the companies subject to their jurisdiction under this chapter.

19 (1) A company engaged in the manufacture, transmission, distribution,
20 or sale of gas or electricity directly to the public or to be used ultimately by the

1 public for lighting, heating, or power and so far as relates to their use or
2 occupancy of the public highways.

3 (2) That part of the business of a company ~~which~~ that consists of the
4 manufacture, transmission, distribution, or sale of gas or electricity directly to
5 the public or to be used ultimately by the public for lighting, heating, or power
6 and so far as relates to their use or occupancy of the public highways.

7 * * *

8 (7) Notwithstanding subdivisions (1) and (2) of this section, the
9 Commission and Department shall not have jurisdiction over a company
10 otherwise not regulated by the Commission that is engaged in the siting,
11 construction, ownership, operation, or control of a facility that sells or supplies
12 electricity to the public exclusively for charging a plug-in electric vehicle, as
13 defined in 23 V.S.A. § 4(85). These companies may charge by the kWh for
14 owned or operated electric vehicle supply equipment, as defined in 30 V.S.A.
15 § 201, but shall not be treated as an electric distribution utility just because
16 electric vehicle supply equipment charges by the kWh.

17 * * * Effective Dates * * *

18 Sec. 35. EFFECTIVE DATES

19 (a) This section and Secs. 1(b) (act definitions), 8 (BUILD grant), 9 (CRISI
20 grant), 16 (public transit study), 25 (plug-in electric vehicle definition), 26
21 (electric vehicle supply equipment definition), 26c (net metering), 27

1 (incentive program), 28 (Public Utility Commission report), 28a (Agency of
2 Agriculture, Food and Markets reporting), 32 (PUC jurisdiction), and 34
3 (commuter rail technical analysis) shall take effect on passage.

4 (b) Secs. 26a (weights and measures definition), and 26b (electric vehicle
5 supply equipment definition) shall take effect on the earlier of January 1, 2021
6 or six months after the National Institute of Standards and Technology adopts
7 code on electric vehicle fueling systems.

8 (c) All other sections shall take effect on July 1, 2019.